

REMARKS

Claims 7, 9-11 and 13-26 are pending. By this Amendment, claims 7, 13 and 20 are amended. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

In the Office Action, claims 13-26 were restricted by original presentation as allegedly lacking unity of invention from the invention originally claimed. The restriction by original presentation is respectfully traversed.

For example, while claim 26 has been withdrawn from consideration, claim 26 is dependent on claim 7 and therefore should be examined along with claim 7. Moreover, claims 7, 19 and 25 all define what could be a special technical feature which defines over the prior art. However, the Examiner has provided no examination on the merits of claim 26, which the Examiner may consider to be allowable since the applied prior art of Rumswinkel (DE 1143578) clearly does not teach or suggest that the armature part includes two magnets arranged symmetrically on each side of the yoke body and the center position.

In addition, the Examiner makes the statement that the “original claims” recite the limitation “wherein the spring is configured as a leaf spring”. Applicants note that original claim 7 was not limited to a leaf spring although the amended version of claim 7 does, in fact, recite a leaf spring.

Moreover, the Examiner’s statement that the absence of a “leaf spring” from the new claims allows for a much greater search area. Of course this is inaccurate since again original claim 7 was not limited to a leaf spring, and as such the Examiner’s original search should have encompassed other types of springs. Moreover, dependent claims 15 and 21 (from the withdrawn group of claims) recite such leaf spring, in contrast to the Examiner’s statement that “this special technical feature is not recited in the new claims”.

In any event, the Examiner also cites the fact that claims 13-19 recites different language in regard to the armature part, in which it is said that the armature may symmetrically oscillate relative to the yoke body. While this special technical feature is

not recited in claim 7, it is not necessary for such to be recited in all the claims as claim 7 and 13 take slightly different, though related approaches.

For the above reasons, and because claims 7, 13 and 20 have been amended to similarly define the center position as being the equilibrium position, withdrawal of the restriction and rejoinder in examination of the claims are respectfully requested.

Turning now to the merits of the rejection, claims 7 and 9 were again rejected under 35 U.S.C. §102(b) over Rumswinkel. In the Response section of the Office Action, the Examiner takes the expansive interpretation of the claimed center position as being the position selected from any position aligned between the maximum deflection points. Consistent with the Examiner's interpretation, the center position is now defined as the equilibrium position the armature part adopts when oscillating between its maximum lateral deflection point. Furthermore, the center of the armature is aligned with the center of the yoke body in the center (or equilibrium) position.

Accordingly, claim 7 and its dependent claims distinguish over Rumswinkel.

In regard to claim 9, the Examiner's response to Applicants' arguments is appreciated, but the Applicants respectfully decline to accept the Examiner's analysis. In particular, the Examiner states that the claim language specifies "a plurality of springs" and that the plurality is disposed on "both sides of the device". This is not what is set forth in claim 9. Claim 9 specifies a plurality of springs disposed on each side of the center position. As admitted in the Office Action, Rumswinkel discloses two springs, only one being on each side of the center position. Thus, the rejection of claim 9 is clearly flawed.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 11 was rejected under 35 U.S.C. §103(a) over Rumswinkel. This rejection is respectfully traversed at least because claim 11 depends from claim 7, and is patentable by virtue of that dependency. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) over Zabar (U.S. Patent No. 6,323,568) in view of Rumswinkel. This rejection is respectfully traversed for at least the

reason that claim 10 depends from claim 7, and is patentable by virtue of that dependency.

In addition, as previously argued, the Examiner has not relied upon the teachings of Zabar to reject claim 7, from which claim 10 depends. In other words, it appears that the Examiner would be required to reject claims 7 and 10 based on the combination of Zabar in view of Rumswinkel. The Examiner did not provide any response to this argument.

Again in regard to restricted claims 13-25, independent claims 13 and 20 have been amended to specify that the center position is the equilibrium position. In the case of claim 13, the center of the armature part adopts this equilibrium position when aligned with the center of the yoke body in which the armature may symmetrically oscillate relative to the yoke body between its maximum lateral deflection positions. Claim 20 takes a slightly different approach, but still requires that the center position is the equilibrium position where the center of the armature is aligned with the center of the yoke body and/or the windings thereof. Again, Applicants respectfully submit that claims 7, 13 and 20 are so closely related and so clearly define over the applied prior art that all of the claims should be examined and allowed within the same application. Moreover, as there is no additional burden for searching broader areas not requiring the claimed leaf springs, as original claim 7 did not recite the leaf spring limitation and was thus presumably searched commensurate with the scope of its original meaning, Applicants respectfully request reconsideration of the Restriction Requirement and rejoinder of the claims as a whole.

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Applicants respectfully request entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is enclosed.

Respectfully submitted,

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